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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,190	07/02/2001	William Spence Rouverol		8778

7590

05/01/2003

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EXAMINER

LE, UYEN CHAU N

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 05/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/895,190

Applicant(s)

ROUVEROL, WILLIAM SPENCE

Examiner

Uyen-Chau N. Le

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 21-24 is/are rejected.
- 7) ☒ Claim(s) 19-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s): _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Prelim. Amdt/Amendment

1. Receipt is acknowledged of the Preliminary Amendment and Drawings filed 10 September 2001.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "13" has been used to designate both die strip (p. 6, lines 21-22 and p.7, lines 4-5 and 9) and T-strip (p. 7, line 13). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show a chat/preperforated area 62 as described in the specification (p. 8+). Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claims 1, 5-8, 12, 14, 21-22 are objected to because of the following informalities:

Re claim 1, line 2: Substitute "it" with -- said card --.

Re claim 1, line 2: Substitute "the plane" with -- a plane --.

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Re claim 1, line 3: Substitute "the aperture" with -- an aperture --.

Re claim 5, line 2: Substitute "its" with -- said bulb's --.

Re claim 6, line 2: Substitute "the operation" with -- an operation --.

Re claim 7, line 1: Substitute "the upper surface" with -- an upper surface --.

Re claim 8, line 1: Substitute "the upper surface" with -- an upper surface --.

Re claim 12, line 2: Substitute ", preferably" with -- made --.

Re claim 14, line 2: Substitute "the proper method" with -- a proper method --.

Re claim 21, line 1: Substitute "the upper surface" with -- an upper surface --.

Re claim 21, line 3: Substitute "t hem" with -- them --.

Re claim 22, line 2: Substitute ", preferably" with -- made --.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 22, line 5: The addition of the word "**like**" to an otherwise definite expression extends the scope of the expression so as to render it indefinite. Appropriate correction is required to alleviate the indefiniteness of the language "**a needle projection**".

Appropriate clarification and correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 9-11, 15 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Humbeeck et al (US 4,541,317).

Re claims 1, 9-11, 15 and 24: Van Humbeeck et al discloses a punch-card device (col. 11, lines 36+) comprising a punch 36; a die-assembly 30 having a die-plate 37 adapted to support a machine processable record card 48 while the card 48 is being punched (fig. 2; col. 7, lines 67+), wherein the card 48 has a plurality of preperforated areas 6 (fig. 1; col. 6, lines 6+); a light source 45 mounted below a plane of the card 48 in a position to direct light through an aperture [31-33/38-40] made in the card 48 by the punch 36 (col. 7, lines 30+), wherein the light source 45 includes an electric light bulb (see figs. 2 and 4), wherein light from the light source 45 is made visible to the user of the device to indicate to the user that the light source 45 is energized (col. 8, lines 55+), and wherein a small portion of the illumination from the light source 45 is made visible to the user of the device to signal that the device is ready (col. 9, lines 33+); a glass 46 is interposed between the light source 45 and chads punched out of the card 48 (col. 11, lines 28+); an open space is provided below the die 30 (figs. 2 and 4).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2, 6-8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Humbeeck et al. The teachings of Van Humbeeck et al have been discussed above.

Re claims 2 and 13, Van Humbeeck et al has been discussed above but fails to teach or fairly suggest that the light source includes an electric light bulb and a mirror.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate a mirror into the teachings of Van Humbeeck et al in order to provide Van Humbeeck et al with a more feasible system wherein the light from the light source is reflected from the mirror and shine directly to the aperture/hole of the punched card, thus number of light bulbs required is decreased, and therefore, providing a more power consumption system.

Re claim 6, Van Humbeeck et al has been discussed above but fails to teach or fairly suggest that the light source is illuminated by an operation of a limit switch closed by the full insertion of the card into the device.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the above limitation into the teachings of Van Humbeeck et al in order to provide Van Humbeeck et al with a more accurate system wherein the light source will not be energized if the card is not fully inserted, thus preventing the card from being punched at an improper location and/or an undesired spot/preperforated area, and therefore, providing a more power consumption system (i.e., due to the power saving during the time the card is not inserted).

Re claims 7 and 8, Van Humbeeck et al has been discussed above but fails to teach or fairly suggest that the upper surface of the die is made of a material that is pervious to light or a transparent material.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify the material of the die with a material that is pervious to light or a transparent material into the punching system as taught by Van Humbeeck et al. The modification would have been merely a substitution of functional equivalent and an obvious engineering variation, well within the ordinary skill in the art, and therefore, an obvious expedient.

10. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Humbeeck et al in view of Yamashita et al (US 3,943,337). The teachings of Van Humbeeck et al have been discussed above.

Re claims 3 and 4, Van Humbeeck et al has been discussed above but fails to teach or fairly suggest that the light source includes two electric bulbs/an electric bulb and partially surrounded by a reflector.

Yamashita et al teaches a light source 10 including two to six lamps partially surrounded by a reflector 11 (fig. 1; col. 2, lines 56+).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Yamashita et al into the teachings of Van Humbeeck et al in order to provide Van Humbeeck et al with a more accurate system wherein the reflector would help to direct the light to the aperture/hole of a punched card more direct and more accurate, which would provide the user a capability to verify his/her operation, and thus providing a more user-friendly system.

11. Claims 12, 14, 16-18 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Humbeeck et al in view of Rapp et al (US 5,260,550). The teachings of Van Humbeeck et al have been discussed above.

Re claims 12, 14, 16-18 and 22, Van Humbeeck et al has been discussed above but fails to teach or fairly suggest that the punch is in the form of a stylus with a handle and a slender probe; that the card has a plurality of preperforated areas arranged in a plurality of rows and a plurality in columns; and instructions to the user regarding a proper method for inserting the card.

Rapp et al teaches a stylus 70 having a handle 157 and a telescopic sleeve 112 (figs. 5 and 15; col. 6, lines 16+ and col. 8, lines 24-50); the card 12 having a plurality of rows and columns of preperforated areas and instructions are provided to the user (figs. 1-2, 4 and 8).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Rapp et al into the teachings of Van Humbeeck et al in order to provide Van Humbeeck et al with a more user friendly system due to the easy handling of the handle for the punch, and thus providing the user a better and easier way in operating the punching device (i.e., due to the instructions).

12. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Humbeeck et al in view of Ahmann (US 4,297,566). The teachings of Van Humbeeck et al have been discussed above.

Re claim 21, Van Humbeeck et al has been discussed above but fails to teach or fairly suggest that an upper surface of the die is made of a resilient material.

Ahmann teaches die strips 12 are made of resilient material (col. 5, lines 40+).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Ahmann into the teachings of Van Humbeeck et al in

order to provide Van Humbeeck et al with a better protection for the die-assembly due to the recovery readily to original shape property of the resilient material, thus preventing the die-assembly from being damaged during the punching process, and therefore, providing a more feasible system (i.e., the requirement of new die-assembly replacement will not be needed).

13. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Humbeeck et al in view of Murphy (US 4,421,000). The teachings of Van Humbeeck et al have been discussed above.

Re claim 23, Van Humbeeck et al has been discussed above but fails to teach or fairly suggest that a rectangular open-top box is snapped onto the underside of the device beneath the die, adapted to catch all chads punched out of the card.

Murphy teaches a tray 20, which serves as a rectangular open-top box, is slidably engaged with the housing 11, with a handle 21 allowing the disposal of the chads (col. 2, lines 51+).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Murphy into the teachings of Van Humbeeck et al in order to provide Van Humbeeck et al with a better and easier way of emptying the chads that punched out from the cards/documents, preventing the chads from "flying" everywhere or to an unwanted place, even within the device, and thus preventing the device from operating improperly due to the caused of chads.

Allowable Subject Matter

14. Claims 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

15. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of records to Van Humbeeck et al, Murphy, Ahmann, Rapp et al, Yamashita et al and all other cited references, taken alone or in combination, fails to teach or fairly suggest the specific structure or the method of a punch-card device comprising, among other things, an opaque outer template mounted immediately underneath the plane of the axes and having an aperture adjacent to each of the legible choices, and a transparent inner template immediately underneath the outer template and having an aperture in register with each preperforate area of the card when the card has been inserted into the device sufficiently to bear against a flange fixed to the lower end of the inner template, wherein the card shifting the inner template to a position of register of the aperture in the inner and the outer templates against the urging of a light spring bearing against the flange as set forth in the claims.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The patents to Stephens et al (US 4,485,298); Laframboise et al (US 3,007,620); Feather et al (US 4,172,553); Harris (US 3,201,038); Aylsworth et al (US 3,964,672); Stephens et al (US 4,488,034); Comisar et al (US 3,944,788); Harlan (US 5,281,795); Olmstead et al (US 4,236,066); Rapp et al (US 5,362,104); O'Neal et al (US 3,866,826); O'Neal (US 3,846,718); and Harris (US 3,240,409) are cited as of interest and illustrate a similar structure to a voting device with immediate feedback.

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17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen-Chau N. Le whose telephone number is 703-306-5588. The examiner can normally be reached on SUN, M, W, F 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MICHAEL G LEE can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Uyen -Chau Ngo Le

April 22, 2003



**THIEN M. LE
PRIMARY EXAMINER**